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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/527,760 | 03/17/2000 | Yasuhiro Okuno | 1232-4618 | 3265 |
| 27123 | 7590 | 03/24/2005 | EXAMINER | |
| MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | VILLECCO, JOHN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/527,760 | Applicant(s) OKUNO, YASUHIRO | |
| | Examiner John M. Villecco | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,14,15,26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-13,16-25 and 28-42 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Please note that this application has been docketed to another examiner. The new examiner of record is John Villecco. Please direct further correspondence to this examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 13, 2004 has been entered.

Response to Arguments

3. Applicant's arguments filed October 13, 2004 have been fully considered but they are not persuasive. Applicant's amendment has added the limitation that the action is configured to enable the user to interactively communicate with an object within the current image sensing range. However, the examiner believes that this amendment does not overcome the prior art as applied to claims 1, 4-7, 13, 16-19, 25, 28-31, 37, 39, and 41. More specifically, Kurosawa discloses that once the device is within the image sensing range of the camera, communication is established with that device in order to communicate the status of the device to the remote computer. Webster's Dictionary defines "interact" as "to act on each other". In Kurosawa, the remote terminal acts on the printer by determining if the printer is within an image sensing range

Art Unit: 2612

and requesting a status. The printer acts on the remote terminal by supplying status information to the terminal for display. Therefore, the user is able to interactively communicate with an object within the current image sensing range of the camera.

4. Additionally, upon reconsideration of claims 8-12, 20-24, 32-36, 38, 40, and 42, the examiner believes that Kurosawa can also be read on these claims. Please see the new grounds of rejection for claims 8-12, 20-24, 32-36, 38, 40, and 42 presented in the following pages.

Drawings

5. Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 8 objected to because of the following informalities:

- In line 3 of claim 8, applicant recites the word "newtwork". This appears to be a typographical error and that the applicant meant to use the word – network –.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1, 4-6, 8-11, 13, 16-18, 20-23, 25, 28-30, and 32-35, 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurosawa et al. (U.S. Patent No. 6,654,060).**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

9. Regarding *claims 1, 13, and 25*, Kurosawa discloses an information control apparatus having control means for controlling an image sensing range of a camera, comprising:

a storage device adapted to store a program for operating a predetermined action associated with the image sensing range of the camera (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49);

an acquisition device adapted to acquire information about a current image sensing range of the camera (Kurosawa acquires angle information – pan, tilt, and zoom – of a device in the view of a camera; see column 15, lines 1-27; also see Figure 15);

a control device adapted to automatically active the program stored in the storage device when the current image sensing range of the camera acquired by the acquisition device matches with the image sensing range of the camera associated with the predetermined action (Kurosawa generates an image containing the device in the view of the camera along with the status information; see column 15, lines 58-65; also see Figure 14); and

wherein the predetermined action is configured to enable the user to interactively communicate with an object within the current image sensing range of the camera (Kurosawa discloses that once the device is within the image sensing range of the camera, communication is established with that device in order to communicate the status of the device to the remote computer. Webster's Dictionary defines "interact" as "to act on each other". In Kurosawa, the remote terminal acts on the printer by determining if the printer is within an image sensing range and requesting a status. The printer acts on the remote terminal by supplying status information to the terminal for display. Therefore, the user is able to interactively communicate with an object within the current image sensing range of the camera.)

10. Regarding *claims 4, 16, and 28*, Kurosawa discloses the storage device stores programs for operating a plurality of different actions (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49), and the control device performs control upon determining termination/continuation of operation of a program under activation in accordance with a type of action under activation when the acquisition device detects a change in the image sensing range of the camera in the presence of the program under activation (the examiner notes that it is inherent that when the camera is moved from one sensing range to another the associated program for the particular range is activated/deactivated).

Art Unit: 2612

11. As for **claims 5, 17, and 29**, Kurosawa discloses that character data is generated and overlaid on the image describing the status of the printer.

12. With regard to **claims 6, 18, and 30**, Kurosawa discloses the storage device stores programs for operating an action for setting or operating a printer (see column 18, lines 28-37).

13. Regarding **claims 8, 20, and 32**, Kurosawa discloses an information control apparatus having control means for controlling an image sensing range of a camera, comprising:

a storage device adapted to store a program for operating a predetermined action associated with the image sensing range of the camera (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49);

an acquisition device adapted to acquire information about a current image sensing range of the camera (Kurosawa acquires angle information – pan, tilt, and zoom – of a device in the view of a camera; see column 15, lines 1-27; also see Figure 15);

a control device adapted to automatically active the program stored in the storage device when the current image sensing range of the camera acquired by the acquisition device matches with the image sensing range of the camera associated with the predetermined action (Kurosawa generates an image containing the device in the view of the camera along with the status information; see column 15, lines 58-65; also see Figure 14); and

wherein the predetermined action is configured to enable the user to interactively communicate with an object within the current image sensing range of the camera (Kurosawa discloses that once the device is within the image sensing range of the camera, communication is established with that device in order to communicate the status of the device to the remote computer. Webster's Dictionary defines "interact" as "to act on each other". In Kurosawa, the

Art Unit: 2612

remote terminal acts on the printer by determining if the printer is within an image sensing range and requesting a status. The printer acts on the remote terminal by supplying status information to the terminal for display. Therefore, the user is able to interactively communicate with an object within the current image sensing range of the camera.)

Furthermore, as shown in Figures 14A-14D, the program operates to display two windows. One window is for displaying the image from the camera and a second window is used for displaying the status information of the device that is within the range of the camera. These two windows are separate from each other in that the status information is not a part of the captured image displayed in the display means. The status window serves as a separate window which sometimes exists and other times doesn't, depending on the range of the camera.

14. *Claims 9, 21, and 33* are considered substantively equivalent to claims 4, 16, and 28.

Please see the discussion of claims 4, 16, and 28 above.

15. *Claims 10, 22, and 34* are considered substantively equivalent to claims 5, 17, and 29.

Please see the discussion of claims 5, 17, and 29 above.

16. *Claims 11, 23, and 35* are considered substantively equivalent to claims 6, 18, and 30.

Please see the discussion of claims 6, 18, and 30 above.

17. Regarding *claims 37, 39, and 41*, Kurosawa discloses an information control apparatus having control means for controlling an image sensing range of a camera, comprising:

a storage device adapted to store a program for operating a predetermined action associated with the image sensing range of the camera (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49);

an acquisition device adapted to acquire information about a current image sensing range of the camera (Kurosawa acquires angle information – pan, tilt, and zoom – of a device in the view of a camera; see column 15, lines 1-27; also see Figure 15);

a control device adapted to automatically active the program stored in the storage device when the current image sensing range of the camera acquired by the acquisition device matches with the image sensing range of the camera associated with the predetermined action (Kurosawa generates an image containing the device in the view of the camera along with the status information; see column 15, lines 58-65; also see Figure 14);

Kurosawa discloses the storage device stores programs for operating a plurality of different actions (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49), and the control device performs control upon determining termination/continuation of operation of a program under activation in accordance with a type of action under activation when the acquisition device detects a change in the image sensing range of the camera in the presence of the program under activation (the examiner notes that it is inherent that when the camera is moved from one sensing range to another the associated program for the particular range is activated/deactivated).

wherein the predetermined action is configured to enable the user to interactively communicate with an object within the current image sensing range of the camera (Kurosawa discloses that once the device is within the image sensing range of the camera, communication is established with that device in order to communicate the status of the device to the remote computer. Webster's Dictionary defines "interact" as "to act on each other". In Kurosawa, the remote terminal acts on the printer by determining if the printer is within an image sensing range

Art Unit: 2612

and requesting a status. The printer acts on the remote terminal by supplying status information to the terminal for display. Therefore, the user is able to interactively communicate with an object within the current image sensing range of the camera.)

18. As for *claims 38, 40, and 42*, Kurosawa discloses an information control apparatus having control means for controlling an image sensing range of a camera, comprising:

a storage device adapted to store a program for operating a predetermined action associated with the image sensing range of the camera (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49);

an acquisition device adapted to acquire information about a current image sensing range of the camera (Kurosawa acquires angle information – pan, tilt, and zoom – of a device in the view of a camera; see column 15, lines 1-27; also see Figure 15);

a control device adapted to automatically active the program stored in the storage device when the current image sensing range of the camera acquired by the acquisition device matches with the image sensing range of the camera associated with the predetermined action (Kurosawa generates an image containing the device in the view of the camera along with the status information; see column 15, lines 58-65; also see Figure 14); and

wherein the predetermined action is configured to enable the user to interactively communicate with an object within the current image sensing range of the camera (Kurosawa discloses that once the device is within the image sensing range of the camera, communication is established with that device in order to communicate the status of the device to the remote computer. Webster's Dictionary defines "interact" as "to act on each other". In Kurosawa, the remote terminal acts on the printer by determining if the printer is within an image sensing range

Art Unit: 2612

and requesting a status. The printer acts on the remote terminal by supplying status information to the terminal for display. Therefore, the user is able to interactively communicate with an object within the current image sensing range of the camera.)

Kurosawa discloses the storage device stores programs for operating a plurality of different actions (Kurosawa stores programs which allow the user to obtain status information of a device; see column 15, lines 42-49), and the control device performs control upon determining termination/continuation of operation of a program under activation in accordance with a type of action under activation when the acquisition device detects a change in the image sensing range of the camera in the presence of the program under activation (the examiner notes that it is inherent that when the camera is moved from one sensing range to another the associated program for the particular range is activated/deactivated).

Furthermore, as shown in Figures 14A-14D, the program operates to display two windows. One window is for displaying the image from the camera and a second window is used for displaying the status information of the device that is within the range of the camera. These two windows are separate from each other in that the status information is not a part of the captured image displayed in the display means. The status window serves as a separate window which sometimes exists and other times doesn't, depending on the range of the camera.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2612

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 7, 12, 19, 24, 31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosawa et al. (U.S. Patent No. 6,654,060).**

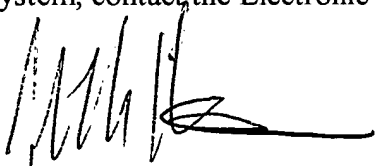
21. Regarding *claims 7, 12, 19, 24, 31 and 36*, as mentioned above in the discussion of claim 1, Kurosawa discloses all of the limitations of the parent claims. However, Kurosawa fails to specifically disclose that the storage device stores a program for operating an action for transmitting electronic mail. This claim is written such that it is not required that the emailing operation be the action that is disclosed in claim 1. Claim 7 generally states that the storage device includes a program for emailing. Official Notice is taken as to the fact that it is well known in the art to store programs in a computer, such as the one disclosed in Kurosawa, which operated to send email to other computers/users. Email is an effective means of communication that is becoming increasingly popular. It allows for the fast and cheap transmission of mail messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a program for effecting email in the computer of Kurosawa so that the user can communicate via email.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7318. The examiner can normally be reached on Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
March 14, 2005



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 200